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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,898	02/02/2000	Rod Stambaugh	032397-009	5435
35437	7590	12/30/2004	EXAMINER	
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO			SHERR, CRISTINA O	
666 THIRD AVENUE			ART UNIT	
NEW YORK, NY 10017			PAPER NUMBER	
			3621	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/495,898	<b>Applicant(s)</b> STAMBAUGH, ROD 	
	<b>Examiner</b> Cristina Owen Sherr	<b>Art Unit</b> 3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-8,10,12,14-17,20-24,26-30 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-8,10,12,14-17,20-24,26-30 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This communication is in response to the amendment filed August 4, 2004.

Claims 1, 2, 4, 14, 17, 30, and 35 have been amended. Claims 3, 18, 19, and 31-34 are currently canceled. Claims 1-2, 4, 6-8, 10, 12, 14-17, 20-24, 26-30, and 34 are pending in this case.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-2, 4, 6-8, 10, 12, 14-17, 20-24, 26-30, and 34 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4, 12, 14-17, 20-21, 27-30, 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Pare, Jr. et al (US 5,870,723).

5. Regarding claims 1, 30, 35 –

Pare discloses a method of transaction processing, comprising: transaction communication of transaction information with a first server is delayed; communication of the transaction information with the first server occurs during the transaction

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accessing a wireless communications network and sending first transaction information for a transaction from the transaction terminal across the communications network; receiving and processing the first transaction information at the first a server storing at least a portion of the first transaction information, the fast server sending second transaction information based on the first transaction information to a transaction processor (e.g. col 23, ln 16-27, col 58 ln26-30, fig 1).

6. Regarding claim 2 –

Pare discloses the method of claim 1, wherein in the first mode of operation, transaction process replies for use during a transaction are downloaded to the transaction terminal prior to the transaction and/or in the, second made of operation transaction process replies for use during a transaction are communicated to the transaction terminal during the transaction (e.g. col 58 ln26-30).

7. Regarding claim 4 –

Pare discloses the method of Claim 1, wherein the first server controls information stored on the transaction terminal (e.g. col 58 ln 30).

8. Regarding claim 12 –

Pare discloses the method of Claim 1, further comprising generating a report of transaction information from one or more transactions conducted on the transaction terminal, wherein the report is accessible via the Internet (e.g. col 42 ln 6-14).

9. Regarding claim 14 –

Pare discloses a method for transaction processing comprising: a server receiving an action from a customer remotely communicating with the server via the Internet, the

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action for application on a wireless transaction terminal in communication with the server; and the server communicating the action to the transaction terminal to apply the action thereto (e.g. col 42 ln 6-14).

10. Regarding claim 15 –

Pare discloses the method of claim 14, wherein the desired action is terminal activation or deactivation (e.g. col 42 ln 6-14).

11. Regarding claim 16 –

Pare discloses the method of Claim 14, wherein the desired action is terminal diagnostics (e.g. col 42 ln 6-14).

12. Regarding claim 17 –

Pare discloses a transaction processing network, comprising: a server; a plurality of wireless transaction terminals, each transaction terminals in at least one of a first mode and a second mode, wherein in the first mode of operation, during a transaction, communication of transaction information with the server is delayed and wherein during the second mode communication of the transaction information with the server occurs during the transaction; a first network segment linking one or more of the wireless transaction terminals to the server, wherein all or a portion of transaction information received from each transaction conducted on each of one or more transaction terminals is stored and made accessible via the Internet; and a second network segment linking the server to one or more further destinations, wherein at least one of the further destinations comprise a transaction processor for obtaining transaction approvals (e.g. col 23, ln 16-27, col 58 ln26-30, fig 1).

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13. Regarding claim 20 –

Pare discloses the apparatus of Claim 17, wherein the server controls the operation of one or more of the transaction terminals (e.g. col 58 ln 30).

14. Regarding claim 21 –

Pare discloses the apparatus of Claim 20, wherein the operation comprises deactivation or activation of the transaction terminal (e.g. col 58 ln 62-63).

15. Regarding claim 27 –

Pare discloses the method according to claim 1, further comprising the server receiving transaction approval information from the transaction processor and then forwarding all or a portion of the transaction approval information to the transaction terminal (e.g. col 58 ln 29-30).

16. Regarding claim 28 –

Pare discloses the method according to claim 27, wherein the approval information comprises at least one of a credit approval, a credit denial, an approval code, a reference code, credit account information and an amount for the transaction (e.g. col 58 ln 30).

17. Regarding claim 29 –

Pare discloses the method according to claim 14, wherein the desired action is changing information stored on the transaction terminal (e.g. col 58 ln 29-30).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 6-8, 10, 22-24, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Pare, Jr. et al (US 5,870,723) in view of Katseff et al (US 6,075,796).

20. Regarding claims 6-8, 10, 22-24, 26 –

Pare does not explicitly disclose that (a) the first transaction information is transported using a first protocol/format and the second transaction information is transported using a second different protocol/format, wherein the first protocol has lower overhead than the second protocol or the first format is more compact than the second format, (b) the server reformats the transaction information from the first format to the second format, and (c) the server stores locally information about various transaction terminals and uses this information to reformat the transaction information from the first format to the second format. However, Katseff teaches the use of these features “to minimize latency and to improve efficiency and quality of packet transmission in applications including Internet telephony.” (e.g., col. 1, lines 8-13; col. 2, lines 19-56; and col. 6) Thus, it would have been obvious to one of ordinary skill in the art to modify the method of Pare by adopting the teaching of Katseff “to minimize latency and to improve efficiency and quality of packet transmission” for the claimed method.

21. Examiner’s note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

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may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

23. Reber et al. (US PAT. 5,903,767) discloses transaction methods, system, and devices using a first and second data.

24. Kolling et al (US PAT. 5,920,847) discloses electronic bill payment system using PC, telephone keypad, screen telephone or PDA.

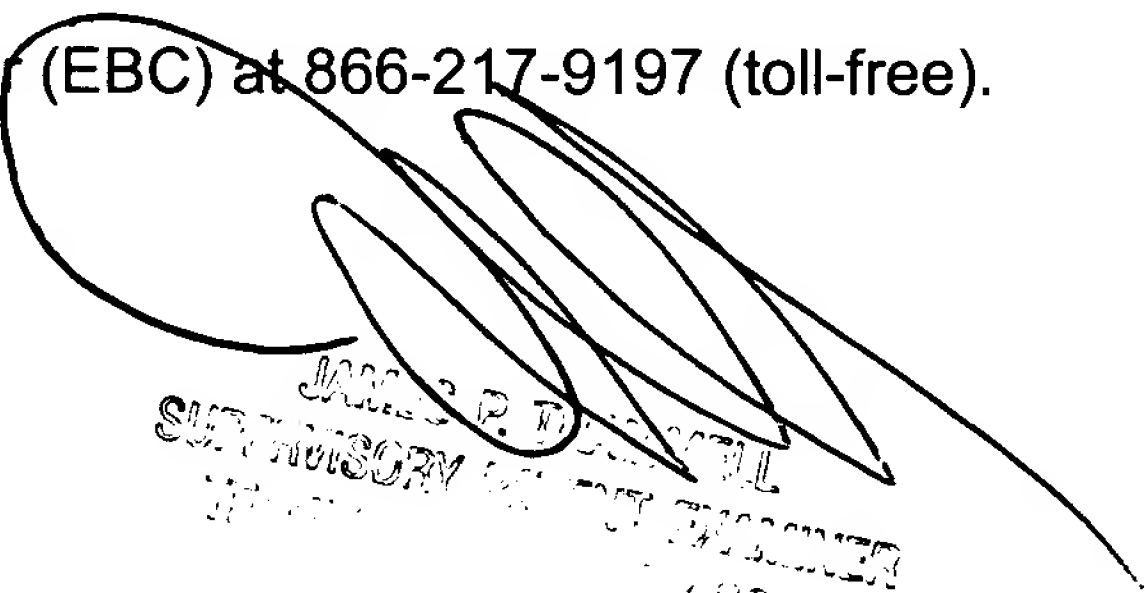
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JAMES P. DELOACH  
SUPERVISORY PATENT EXAMINER  
11/1/09